THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4894 OF 2006

Dated: 14-03-2006

Between

Syed Iqbal Ahmed,

S/o. Syed Mahmood,

Occ: Retired Pvt. Employee,

R/o. H.No.6-5-100,

Machili Bazar, Hanmakonda,

District Warangal.

...PETITIONER

AND

The Commissioner,

Municipal Corporation of Warangal

Warangal District and another.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the first respondent dated 08.03.2006 in orally threatening the petitioner to hand over the premises No.6-5-100, situated at Machili Bazar, Hanmakonda, Warangal District by 15.03.2006 without initiating the land acquisition proceedings as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the absolute owner

and possessor of the aforementioned premises by virtue of oral Gift-cum-document of Transfer of ownership dated 27.03.1999 and he has been paying municipal tax regularly.
The learned counsel further submits that the respondents without issuing any notice and without initiating any proceedings and without paying any compensation are highhandedly interfering and middling with the petitioner's property.

The only grievance of the petitioner is that the respondents without issuing any notice, without paying any compensation for his structures or lands and without following due process of law,
are attempting to dispossess him from the said premises for the purpose of road-widening.

The learned counsel for the petitioner further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporations Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case,
this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894. No costs.

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V. ESWARAIAH, J

March 14, 2006

Note: Furnish C.C. of the order in two days

(**B/o**)

DSK